



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,384	10/23/2001	Suehiro Mizukawa	110-061	9837

23364 7590 06/24/2005

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,384

Applicant(s)

MIZUKAWA, SUEHIRO

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
4a) Of the above claim(s) 1-5 and 10 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6-8 and 11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In regards to claim 6 paragraph 4, the phrase "a movable edge which is disposed in said right movable blade part, and which cooperates with said front stationary edge of the support face" is unclear. It is uncertain which of the pair of front stationary edges of the support face the movable edge of the right movable blade part cooperates with. Also, the right movable blade part clearly cooperates with a front and a rear stationary edge of the of the support face.

4. In regards to claim 6 paragraph 5, the phrase "a movable edge which is disposed in said left movable blade part, and which cooperates with said rear stationary edge of the support face" is unclear. It is uncertain which of the pair of rear stationary edges of the support face the movable edge of the right movable blade part cooperates with. Also, the left movable blade part clearly cooperates with a front and a rear stationary edge of the of the support face.

5. In regards to claim 11, the phrases "a right movable blade part situated in front of said support face", "a left movable blade part situated in the rear of said support face", and "said support face is formed in each of right and left side faces" are unclear. It is

clear that the right movable blade part is in front of the right side face of the support face, however, it is unclear how the left movable blade part in to the rear of the support face when it is clearly in front of the left side face of the support face.

6. In regards to claim 11 paragraph 4, the phrase "a movable edge which is disposed in said right movable blade part, and which cooperates with said front stationary edge of the support face" is unclear. It is uncertain which of the pair of front stationary edges of the support face the movable edge of the right movable blade part cooperates with. Also, the right movable blade part clearly cooperates with a front and a rear stationary edge of the of the support face.

7. In regards to claim 11 paragraph 5, the phrase "a movable edge which is disposed in said left movable blade part, and which cooperates with said rear stationary edge of the support face" is unclear. It is uncertain which of the pair of rear stationary edges of the support face the movable edge of the right movable blade part cooperates with. Also, the left movable blade part clearly cooperates with a front and a rear stationary edge of the of the support face.

8. In regards to claim 11 paragraph 7 and 8, the phrase " a pair of right and left movable edges are disposed in said right movable blade part, with said movable edge on the one side being an edge which cooperates with said straight-cutting front stationary edge...and with said movable edge on the other side being an edge which cooperates with said miter-cutting front stationary edge" is unclear. First the term "said movable edge" is unclear due to the fact it is uncertain which movable edge it is referring. It is unclear if it is referring to the movable edge in paragraph 4, 5, or 7.

It is unclear what structure represents the left and right movable on the right and left movable blade parts edges that interact with the front stationary edges. The specification clearly discloses support for a front 52a and rear edge 52b that cooperates with the front stationary edge. The specification does not disclose a left and right edge that interacts with the front stationary edges along with the front and rear edges.

9. It is to be noted that claims 6-8 and 11 have not been rejected over prior art. It may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

Response to Arguments

10. Applicant's arguments with respect to claims 6-8 and 11 have been considered but are moot in view of the new ground(s) of rejection. It is noted that the 112 issues are due to the directions defined in the specification that do not carry over into the claims. Using Figure 3, the examiner has listed the reference numbers and the corresponding name with respect to the directions defined in the specification.

- 11 front member of the stationary blade part
- 12 rear member of the stationary blade part
- 13 right support face of the front member
- 13a right rear stationary edge of the front member
- 14 left support face of the front member
- 14a left rear stationary edge of the front member
- 15 right support face of the rear member
- 15a right front stationary edge of the rear member

- 16 left support face of the rear member
- 16a left front stationary edge of the rear member
- 50 (right side) right blade part
- 52a (right side) front movable edge of the right blade part
- 52b (right side) rear movable edge of the right blade part
- 50 (left side) left blade part
- 52a (left side) front movable edge of the left blade part
- 52b (left side) rear movable edge of the left blade part

For example, in regards to the 112 rejections paragraphs 3 and 6 above, the right movable blade part (50) has a rear movable edge (52b) that cooperates with the right front stationary edge (15a). Claims 6 and 11 claim a pair of front edges and Figure 3 shows the pair of front edges 16a and 15a, however, the right movable blade part only capable of interacting with one of the front edges 15a making paragraph 4 of claims 6 and 11 indefinite or unclear. It is recommended that the terms listed above be used to help clarify the language in claims 6 and 11.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
June 14, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700